

## **Appendix C: Cultural Resource Consultation**

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# United States Department of the Interior

## BUREAU OF RECLAMATION

Upper Colorado Region  
Provo Area Office  
302 East 1860 South  
Provo, Utah 84606-7317

IN REPLY REFER TO

**PRO-772**

**ENV-6.00**

AUG 23 2004

Ms. Barbara Murphy  
Utah State Historic Preservation Office  
300 Rio Grande Avenue  
Salt Lake City, UT 84101

Subject: Consultation on an Adverse Effect and Preparation of a Memorandum of Agreement for the Title Transfer of the Salt Lake Aqueduct from the United States Department of Interior, Bureau of Reclamation, to the Metropolitan Water District of Salt Lake and Sandy

Dear Ms. Murphy:

In compliance with 36 CFR, Part 800, Section 106 of the National Historic Preservation Act of 1966, and all other laws, regulations, and directives that are pertinent to this Federal undertaking, the Provo Area Office of the Bureau of Reclamation is consulting with you regarding the transfer of title for the Salt Lake Aqueduct, including the Alpine-Draper Tunnel, the Olmsted Tunnel, and the terminal reservoirs (aqueduct), which are located in Wasatch, Utah, and Salt Lake Counties, Utah.

The aqueduct was built by Reclamation starting in 1939 and was completed in 1951. It encompasses 1150 acres. The aqueduct has been maintained and used by the Metropolitan Water District of Salt Lake and Sandy (MWDSLS) since 1951 as a water conveyance system, delivering water from Deer Creek Reservoir to two large terminal reservoirs near I-215 and 3300 South in Salt Lake City, Utah, with multiple turn-out points along its 43-mile length.

The water conveyed by the aqueduct represents a significant portion of Salt Lake County's domestic water supply. The operation and maintenance of the aqueduct is performed by MWDSLS under a repayment contract, which will be terminated upon completion of the proposed title transfer. After title transfer, for which Congressional authorization is required, Reclamation will no longer own nor be responsible for the aqueduct.

Pursuant to 36 CFR §800.5(a)(2)(vii), the transfer of title on the aqueduct would constitute an adverse effect to this historic property. Mitigation measures for this effect, including historic information being posted on a public access website, and an

educational module, are described in a Memorandum of Agreement (MOA) being written among Reclamation, MWSLS, and your office. As specified in 36 CFR §800.6(a)(1), the Advisory Council on Historic Preservation Office in Denver will be invited to participate as a signatory as well.

A draft copy of the MOA is enclosed for your review and comment. It contains the stipulations being proposed for mitigation of the adverse effect from this project. Any comments or changes you may have will be incorporated into a final MOA to be circulated for signature by all parties. Reclamation is requesting your comments on the contents of this document at this time.

In compliance with Section 36 CFR 800.2(c)(2)(ii), consultation letters regarding this project have been sent to both the Northern Ute Cultural Resource Rights and Protection Department Director, Betsy Chapoose, and the Cultural Director for the Northwest Band of the Shoshone Nation, Patty Madsen-Timbimboo. No reply has been received from either tribe.

Thank you for your consideration of this project. If you have any concerns, comments, or questions, please do not hesitate to call Ms. Barbara Blackshear at 801-379-1082.

Sincerely,

**BEVERLEY HEFFERNAN**

Beverley C. Heffernan  
Chief, Environmental Group

Enclosure

cc: Mr. John Carman  
General Manager, Metropolitan Water  
District of Salt Lake and Sandy  
3430 East Danish Road  
Sandy, UT 84093



State of Utah

OLENE S. WALKER  
Governor

GAYLE F. McKEACHNIE  
Lieutenant Governor

**ORIGINAL**

Department of Community and Economic Development

DAVID HARMER  
Executive Director

Division of State History / Utah State Historical Society

PHILIP F. NOTARIANNI  
Division Director

THESE ARE THE  
ORIGINAL ENCLOSURES

September 2, 2004

THESE ARE THE  
ORIGINAL ENCLOSURES

Beverly C. Heffernan  
Chief, Environmental Group  
Bureau of Reclamation  
302 East 1860 South  
Provo UT 84606-7317

RE: Memorandum of Agreement on Title Transfer of the Salt Lake Aqueduct

In Reply Please Refer to Case No. 04-0926

Dear Ms. Heffernan:

Enclosed is one signed original copy of a Memorandum of Agreement for the above referenced property, per your request. We understand you have contacted the Advisory Council on Historic Preservation, 12136 West Bayaud Avenue - Suite 330, Lakewood, Colorado 80226, for their comment, as directed in 36CFR800.6(b)(1)(i).

This information is provided to assist with Section 106 responsibilities as specified in §36CFR800. If you have questions, please contact me at (801) 533-3563. My email address is: bmurphy@utah.gov

Sincerely,

THESE ARE THE  
ORIGINAL ENCLOSURES

*Barbara L. Murphy*

Barbara L. Murphy  
Deputy State Historic  
Preservation Officer - History

THESE ARE THE  
ORIGINAL ENCLOSURES

BLM:04-0926 BOR/MOA

NOTE: IF YOU DETACH  
ENCLOSURES, PLEASE INSERT  
THE NO. PRO-770

THESE ARE THE  
ORIGINAL ENCLOSURES



PRO-772  
ENV-6.00

SEP 07 2004

Ms. Barbara Murphy  
Preservation Specialist  
Utah State Historic Preservation Office  
300 Rio Grande Avenue  
Salt Lake City, UT 84101

Subject: Addendum to the Provo Reservoir Canal Report (U-01-EP-0773s,p)

Dear Ms. Murphy:

In compliance with 36 CFR, Part 800.2(c)(3), Section 106 of the National Historic Preservation Act of 1966; the Archaeological Resources Protection Act of 1979; the Native American Graves Protection and Repatriation Act of 1990; and all other laws, regulations, and directives that are pertinent to this Federal undertaking, the Provo Area Office of the Bureau of Reclamation is consulting with you about the Addendum Report to the Provo Reservoir Canal Project (Project).

The main portion of the project consultation with your office occurred in 2002 and concerned a proposed enclosure of the Provo Reservoir Canal (also known as the Murdock Canal built in 1909) because of public safety concerns. Enclosure of the canal is still proposed.

However, Reclamation is now proposing to transfer title of the property from Federal to non-Federal ownership. The title transfer is dependent upon Congressional authorization, and if it proceeds, would supersede Reclamation's authorization to enclose the Provo Reservoir Canal. The enclosed addendum report, including a map and black and white photos, is for one feature at the beginning of the Provo Reservoir Canal. The feature is the diversion structure which channels water from the Provo River into the Provo Reservoir Canal and is located in Provo Canyon, Utah County. This feature was not included in the original report, because it is not part of the project area for canal enclosure.

The original report (U-01-EP-0773s,p) included a synthesis of the 16 preceding reports on various sections of the canal, and represents the water conveyance system as a whole. The report, including all the maps, photographs, history, addendum report, and

documentation, will serve as mitigation for the adverse effect to the canal from both enclosure and title transfer.

Consultation with the Northwest Band of the Shoshone Nation was conducted in 2002. Reclamation inquired about affects from the Project to both Traditional Cultural Properties and sacred sites at that time. No reply has been received.

An eligibility determination of adverse effect for the original project was recommended to your office in 2002 as stated in the enclosed copy of the original consultation letter. The effects for the Murdock Diversion will be the same as for the rest of the canal. In compliance with 36 CFR 800.6(b)(1), a Memorandum of Agreement among Reclamation, the Provo River Water Users Association, and your office will be executed prior to project implementation.

Thank you for your consideration of this Project. If you have any concerns, comments, or questions, please call Ms. Barbara Blackshear at 801-379-1082.

Sincerely,

BEVERLEY HEFFERNAN

Beverley C. Heffernan  
Chief, Environmental Group

Enclosure

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